

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION AT COLUMBUS**

O'BRYAN SHADE,

Petitioner, :

Case No. 2:24-cv-2694

- vs -

District Judge James L. Graham
Magistrate Judge Michael R. Merz

WARDEN, Franklin County
Corrections Center II,

:
Respondent.

REPORT AND RECOMMENDATIONS

This is a habeas corpus case brought *pro se* by Petitioner O'Bryan Shade pursuant to 28 U.S.C. § 2241 (Petition, ECF No. 2). Shade avers that he is a pre-trial detainee awaiting trial on unspecified criminal charges in the Franklin County Court of Common Pleas in Case No. 23-006596. On June 26, 2024, this Court ordered these proceedings stayed pending Petitioner's exhaustion of available state court remedies (ECF No. 5).

On February 11, 2025, having heard nothing further from Petitioner, the undersigned accessed the online record of the Franklin County Court of Common Pleas and discovered that on June 5, 2024, Petitioner pleaded guilty to one count of the then-pending indictment and the other count was dismissed. The record does not indicate any appeal was taken. This Court is authorized

to take judicial notice of the records of another court of record¹. Having done so, the Magistrate Judge has come to the conclusion this case is moot.

Accordingly it is respectfully recommended that the Petition herein be dismissed without prejudice as moot. Because reasonable jurists would not disagree with this conclusion, it is also recommended that Petitioner be denied a certificate of appealability and that the Court certify to the Sixth Circuit that any appeal would be objectively frivolous and should not be permitted to proceed *in forma pauperis*.

February 12, 2025.

s/ *Michael R. Merz*
United States Magistrate Judge

NOTICE REGARDING OBJECTIONS

Pursuant to Fed. R. Civ. P. 72(b), any party may serve and file specific, written objections to the proposed findings and recommendations within fourteen days after being served with this Report and Recommendations. Because this document is being served by mail, three days are added under Fed.R.Civ.P. 6, but service is complete when the document is mailed, not when it is received. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. A party may respond to another party's objections within fourteen days after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. #

¹ Public records and government documents, including those available from reliable sources on the Internet, are subject to judicial notice. *United States ex rel Dingle v. BioPort Corp.*, 270 F. Supp. 2d 968, 972 (W.D. Mich. 2003).